IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 692 of 2001
(Old No. 11822 of 1988)

1. Sri Ram Saran
S/o Sri Dayanand
R/o Lalkuwan
Police Station - Lalkuwan
District - Nainital

2. Mohammad Yasmin
S/o Sri Nor Mohammad
R/o Lalkuwan
Police Station - Lalkuwan
District Nainital .....Applicants

Versus

1. Sri P.S. Gupta S/o Sri Ram Niwas
R/o Lalkuwan
Police Station - Lalkuwan
District Nainital

2. Sri Mahesh S/o Sri Mangli
R/o Lalkuwan
Police Station - Lalkuwan
District Nainital

3. State of U.P.

4. Sub Divisional Magistrate,
Bhabar Haldwani, Nainital

5. Sessions Judge, Nainital .....Opp. Parties

Sri Sanjeev Kumar Sah, learned counsel for the applicants.
Sri G.S. Sandhu, learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

This petition u/s 482 Cr.P.C. has been filed by the applicant Ram Saran challenging the order dated 25.11.1985 and 17.08.2088 passed by the opposite party nos. 4 and 5 respectively.

Brief facts reveals from the perusal of the record that proceedings u/s 145 Cr.P.C. were initiated and learned

S.D.M. vide order dated 25.11.1985 observed that neither of the parties could establish its own possession over the land in question. The revision was preferred against the aforesaid order and the learned IInd Additional Sessions Judge vide judgment and order dated 17.08.1988 dismissed the revision filed by the parties.

Against the aforesaid order the petitioners has filed this petition us/ 482 Cr.P.C.

Heard learned counsel for the parties and perused the record.

Learned counsel for the opposite parties 1 and 2 Sri Sanjeev Kumar Sah has submitted that the matter has been adjudicated by the civil court and the opposite parties have obtained the possession of the land in question by the judgment and order passed by the civil court in civil suit no. 72 of 1992 dated 07.01.1996.

Learned counsel for the petitioners could not controvert this fact.

In view of the facts narrated above, I come to the conclusion that this petition does not carry any force and is liable to be dismissed.

Accordingly, the petition is dismissed.

Stay order dated 23.11.1988 stands vacated.

(B.C. Kandpal, J.)

23rd April, 2005
Shiv